

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 436

22 MARCH 2019

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****NOTICE OF ADOPTION OF AN ENVIRONMENTAL MANAGEMENT INSTRUMENT AND EXCLUSION, IN TERMS OF SECTION 24(2)(e) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998, OF PHASE 1 OF THE SQUARE KILOMETRE ARRAY FROM THE REQUIREMENT TO OBTAIN ENVIRONMENTAL AUTHORISATION**

I, Nomvula Paula Mokonyane, Minister of Environmental Affairs, hereby adopt the Integrated Environmental Management Plan (IEMP) for the Square Kilometre Array (SKA) (Phase 1) as an environmental management instrument. Based on this adoption and compliance with Chapter 5 of the IEMP, I hereby exclude, in terms of section 24(2)(e) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), the National Research Foundation from the requirement to obtain environmental authorisation for activities identified in terms of section 24(2)(a) and (b) of the Act, which are associated with the development of phase 1 of the SKA, and which are described in Chapter 2 of the IEMP, as set out in the Schedule hereto.



**NOMVULA PAULA MOKONYANE
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

1. INTRODUCTION

This Schedule applies to the Integrated Environmental Management Plan (IEMP) for the Square Kilometre Array (SKA) (Phase 1), as submitted to the Minister of Environmental Affairs by the National Research Foundation.

A Strategic Environmental Assessment (SEA) has been undertaken for the South African mid-frequency array of the SKA (SKA1_MID) project (Phase 1) in order to identify site environmental sensitivities and to prepare an IEMP for adoption by the Minister as an environmental management instrument.

2. ADOPTION OF THE INTEGRATED ENVIRONMENTAL MANAGEMENT PLAN FOR THE SQUARE KILOMETRE ARRAY (PHASE 1)

The IEMP for the SKA (Phase 1), as submitted by the National Research Foundation, has been reviewed and has been found to meet the requirements of and general principles contained in sections 2, 24(1) and 24N of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (the Act). The IEMP is therefore adopted as an environmental management instrument for the purposes of section 24(2)(e) of the Act.

3. EXCLUSION OF ACTIVITIES IDENTIFIED IN TERMS OF SECTION 24(2)(a) AND (b) OF THE ACT

Based on the adopted IEMP, in terms of section 24(2)(e) of the Act, the National Research Foundation is excluded from the requirement to obtain environmental authorisation for activities contemplated in Chapter 2: Part IV of the IEMP.

4. CONDITIONS OF EXCLUSION

4.1 The National Research Foundation—

4.1.1 must, prior to commencement of any activities contemplated in section 3 of this Schedule or site preparation—

4.1.1.1 facilitate a walkthrough by ecological, terrestrial and heritage specialists on the proposed final development footprint to confirm the “areas unsuitable for development”;

4.1.1.2 prepare a map, signed off by the specialists contemplated in section 4.1.1.1, which consolidates the “areas unsuitable for development” and overlays the final proposed development footprint to confirm that no development will take place on these areas;

- 4.1.1.3 submit the consolidated map contemplated in section 4.1.1.2 together with the written notice of commencement contemplated in section 4.1.3; and
- 4.1.1.4 ensure the inclusion of the consolidated map as Appendix C to Chapter 5 of the IEMP (hereinafter referred to as the "Environmental Management Programme);
- 4.1.2 must comply with the conditions contained in the Environmental Management Programme;
- 4.1.3 must provide written notice to the compliance monitoring unit within the competent authority 14 days prior to the date on which the first of the activities contemplated in section 3 of this Notice, including site preparation, will commence in order to facilitate compliance inspections;
- 4.1.4 must conduct independent external environmental audits annually, commencing 12 months after the notification contemplated in section 4.1.3, and submit audit reports to the compliance monitoring unit within the competent authority on completion of such audits;
- 4.1.5 may not amend impact management outcomes contained in the Environmental Management Programme;
- 4.1.6 may amend the impact management actions contained in the Environmental Management Programme, if required in order to achieve the impact management outcomes, by—
 - 4.1.6.1 obtaining approval of such amendments from the independent external Environmental Control Officer and signature of the relevant contractor, after which the amendments to these actions will be regarded as binding and should be effected immediately thereafter; and
 - 4.1.6.2 reflecting such amendments in the independent external environmental audit report as contemplated in section 4.1.4 and the Environmental Management Programme.
- 5. Failure to comply with the conditions and commitments contemplated in this notice constitutes an offence in terms of section 49A(1)(d) of the Act.
- 6. The IEMP for the SKA (Phase 1) and the SEA Report for the South Africa mid-frequency array of SKA Phase 1 (SKA_MID), 2016 can be accessed at:

<http://www.SKA.ac.za>;

<http://www.skaphase1.csir.co.za>; and

<https://egis.environment.gov.za/SKAphase1>;

and the Gazetted notice can be accessed at:

https://www.environment.gov.za/legislation/gazetted_notices.